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September 6, 1994

By Hand

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

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SEP 6 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Comments, General Electric Lighting to Part 2 NPRM
ET Docket No. 94-45

Dear Mr. Caton:

Transmitted herewith, on behalf of General Electric Lighting, is an original and four (4) copies of Comments Of General Electric Lighting to the Notice of Proposed Rule Making, Revision of Part 2 of the Commission's rules relating to the marketing and authorization of radio frequency devices. As permitted by 47 CFR § 1.52, General Electric Lighting has submitted a facsimile signature page. Mr. Hawrenko will retain the original signature page as required by the Rules.

Please contact me if you have any questions regarding this matter.

Very truly yours,

Donald P. Zeifang

cc: George E. Hawranko, Esq.
Mr. Michael M. Minarczyk

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

SEP 26 1994
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Revision of Part 2 of the)
Commission's rules relating to the)
marketing and authorization of)
radio frequency devices.)ET Docket No. 94-45
RM-8125COMMENTS OF
GENERAL ELECTRIC LIGHTING

General Electric Lighting ("GEL") submits the following comments to the Commission's Notice of Proposed Rule Making to revise Part 2 of the Commission's rules relating to the marketing and authorization of radio frequency devices ("Notice").

1. GEL agrees with revisions proposed by Paragraphs 4 and 5 of the Notice regarding testing and marketing of RF devices.¹ GEL also agrees with comments of the National Association of Broadcasters in Paragraph 6 of the Notice. NAB's proposed notice and testing requirements are not too onerous as described and summarized in Paragraph 6.

2. GEL agrees with revisions proposed by Paragraph 15 of the Notice, but cautions that the definition of "responsible party" should be more precise. The danger is in 47 CFR § 2.929(b) which permits a grantee to "license or otherwise authorize a second party to manufacture or market the equipment covered by the grant" To avoid the risk that a purchaser

¹ Paragraph references are to FCC 94-110, Notice of Proposed Rule Making. CFR references are to existing Rules.

may claim "authorization," GEL proposes a revision to the Rules requiring that licensing or authorization be in writing, explicitly citing the appropriate Rules, before a purchaser may avoid responsibility for modifying equipment.

3. GEL agrees with the concept of Paragraph 16 that a better definition is needed for "electrically identical." The revisions, however, are insufficient in two respects. First, the definition does not supplant other explicit and implicit definitions of "identical." See 47 CFR § 2.908 ("within the variation that can be expected to arise as a result of quantity production techniques"); 47 CFR § 2.953(d) (implicitly defining 'identical' for verified equipment by requiring re-verification whenever "any modification or change adversely affects the emanation characteristics of the modified equipment"). GEL recommends that the Rules use a consistent definition.

4. Second, the revisions addressed by Paragraph 16 do not recognize the practical need for a range in which modifications are permitted before the manufacturer must give notice of the change and await acknowledgment that the change is acceptable. By distinguishing Class I and Class II modifications solely on the basis that they do or do not "degrade the characteristics reported by the manufacturer and accepted by the Commission," 47 CFR §§ 2.1043(b)(1), 2.1043(b)(2), the Rules penalize a careful and conservative manufacturer for designing a product that is well within the limits and tolerances of the Rules. When such a manufacturer makes minor changes, such as the substitution of an

electrical part, Commission approval may be necessary even though emanation characteristics are still within limits or tolerances.

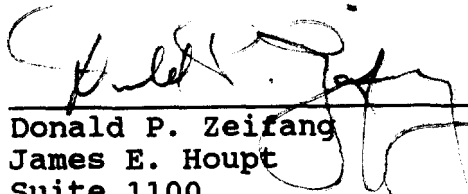
5. Because Class II permissive changes must satisfy "minimum requirements of the applicable rules," 47 CFR § 2.1043(b)(2), GEL recommends that the Commission permit manufacturers to make Class II modifications if manufacturers notify the Commission of the modification within a reasonable period. GEL requests that the Commission delete the requirement for acknowledgement. Under existing Rules, the acknowledgement is redundant and potentially creates unreasonable manufacturing and marketing delays for products which satisfy all limits and tolerances.

Respectfully submitted,
GENERAL ELECTRIC LIGHTING

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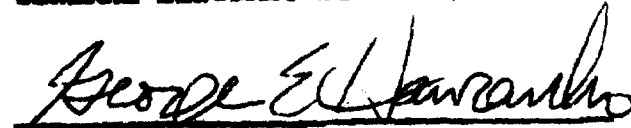
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Respectfully submitted,

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